

REMARKS and STATEMENT OF SUBSTANCE OF EXAMINER INTERVIEW

Claims 1-4 and 6-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Roh (U.S. Patent No. 7,154,829) (hereinafter “Roh”). Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Roh in view of Yonemitsu et al. (U.S. Patent No. 5,592,450) (hereinafter “Yonemitsu”). These rejections are respectfully traversed for at least the following reasons.

Examiner Kim Kwok Chu is thanked for the courtesies extended to Applicants’ undersigned representative in a telephone interview conducted on November 5, 2007 regarding the instant application. During the telephone interview, Applicants’ undersigned representative explained particular technical distinctions between the claims of the instant application in their current form and the disclosure of Roh. The Examiner expressed an initial agreement with these technical distinctions, but the Examiner requested that Applicants file such technical points in formal remarks in this application in order to ensure that the record is complete. Accordingly, Applicants will now explain these technical distinctions in detail.

An important feature of embodiments of the disclosure of the instant application is that the optical recording medium of independent claim 1, for example, of the instant application includes “identification information for identifying from a plurality of different information recording apparatuses, an identified information recording apparatus for recording the information onto the optical recording medium” and “recording parameter information containing optimization information for optimizing a recording state in the record processing executed by the information recording apparatus specified by the identification information.”

As a result of these advantageous features, Applicants respectfully submit that it is possible to optimize recording onto the recording medium for a plurality of different types of

recording apparatuses. When the recording medium is mounted in a recording apparatus, the appropriate identification information is selected/detected from the recording medium by the particular recording apparatus that is going to be used to record onto the recording medium. The selection/detection is accomplished based on the recording apparatus type. The recording apparatus is thus able to use the recording parameter information associated with the identification information for the selected/detected recording apparatus, as stored on the medium, and thus optimize the recording process.

In the telephone interview on November 5, 2007, Applicants' undersigned representative explained that an important distinction between the currently applied Roh reference and the independent claims of the instant application is that the claims currently recite that at the time of manufacturing the recording medium, there are recorded in advance at least the above-discussed "identification information" and the "recording parameter information."

Applicants have studied the applied Roh reference in detail and note that these underlined features are neither shown nor suggested by the disclosure of Roh for at least the following reasons. Applicants respectfully submit that Fig. 4 of Roh discloses that when a test data is recorded in a PCA, two actions occur: (1) test data is recorded in a test area (A) and (2) the number of times of recording is recorded in a count area (B). See, for example, Fig. 4 of the instant application in this regard.

Applicants respectfully submit that Fig. 11 of Roh discloses an embodiment in which optimum recording condition information is recorded in the count area (B) in place of the above-discussed "number of times of recording." The optimum recording condition information, as illustrated in Fig. 11 of Roh, includes an RID Code that is indicative of a recorder ID. Also, the

flow chart of Fig. 10 of Roh illustrates a recording method in which a recorder ID in the count area (B) is detected (step S31) and a recorder ID code is recorded in a count area (B) (step S33).

Applicants respectfully submit that Roh thus teaches that the optimum recording condition information is only recorded once a test data has been recorded. As a result, Applicants note that there is no teaching or suggestion in Roh of recording “identification information” and “recording parameter information” in advance at the time of manufacturing the recording medium as particularly described in the independent claims of the instant application. Instead, Roh only discloses that optimum recording condition information is recorded after test data has been recorded.

Applicants’ undersigned representative explained these arguments to Examiner Chu in the telephone interview held on November 5, 2007 in this application. As also noted by the Examiner on the above-discussed Interview Summary form, the Examiner expressed agreement that this argument “appears to have merit.” However, the Examiner requested that Applicants file the argument as part of remarks in response to the August 24, 2007 Office Action explaining the technical argument in detail as discussed during the telephone interview. Accordingly, Applicants have presented the foregoing remarks in order to comply with the Examiner’s request in this regard and also in order to summarize the discussion that took place between Applicants’ undersigned representative and Examiner Chu during the telephone interview on November 5, 2007.

On the Interview Summary form that was sent to Applicants’ undersigned representative after the conclusion of the interview, the Examiner noted that Roh teaches, at col. 3, lines 7-12, that “the microcomputer 100 reads out an optimum recording power value and an intrinsic recorder identification code from a particular area of the optical recording medium 10.”

However, Applicants respectfully submit that Roh further discloses in the preceding paragraph that the “optimum recording power value” is “based on the recording and reproduction characteristics of test data, as mentioned above.” Thus, Applicants respectfully submit that this further disclosure of Roh is consistent with Applicants’ foregoing explanation of how Roh does not teach or suggest the features of recording identification information and recording parameter information “in advance” and “at the time of manufacturing the recording medium.”

Each of the remaining independent claims 8, 11, 12 and 13 of this application includes similar features in this regard as discussed above in connection with independent claim 1. Accordingly, similar arguments also apply to the remaining independent claims 8, 11, 12 and 13 as discussed above with regard to independent claim 1 of the instant application.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn because the applied Roh reference does not teach, or even suggest, each feature of independent claims 1, 8 and 11-13. As pointed out in MPEP § 2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Also, MPEP § 2143.03 instructs that “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).”

Furthermore, Applicants respectfully assert that dependent claims 2-7 are allowable at least because of their dependence from claim 1, and the reasons set forth above. Moreover, Applicants respectfully submit that the additionally applied reference to Yonemitsu with respect to claim 5, does not cure the deficiencies discussed above with regard to the primary reference.

Examiner Chu indicated to Applicants' undersigned representative that he would continue to conduct a further search in an effort to try to find prior art that teaches the claimed invention of this application. However, Applicants respectfully request that in the event that no such relevant prior art is found during this further search that this case be passed to issuance.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0573. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP



Paul A. Fournier
Registration No. 41,023

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By:

Customer No. 055694

DRINKER, BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Tel: (202) 842-8800
Fax: (202) 842-8465